

Federal Communications Commission  
Washington, D.C.

March 22, 2000

**DOCKET FILE COPY ORIGINAL**

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Re: Acceptance of Motion As Timely Filed in (Docket No. 99-325)

The Office of the Secretary has received your request for acceptance of your pleading in the above-referenced proceeding as timely filed due to operational problems with the Electronic Comment Filing System (ECFS). Pursuant to 47 C.F.R. Section 0.231(I), the Secretary has reviewed your request and verified your assertions. After considering arguments, the Secretary has determined that this pleading will be accepted as timely filed.

However, Motions for Extensions of Time for the Reply Comment period are within the discretion of the bureau. We have forwarded your request in this regard to the

bureau for their consideration. If we can be of further assistance, please contact our office.

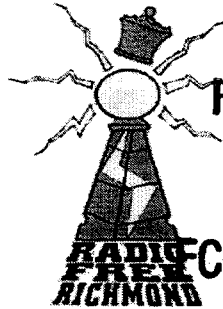
FEDERAL COMMUNICATIONS COMMISSION

*for William F. Carter*  
Magalie Roman Salas  
Secretary

Before the  
FEDERAL COMMUNICATIONS  
COMMISSION  
Washington, DC 20554

In the Matter of Digital Audio  
Broadcasting Systems and Their  
Impact On the Terrestrial Radio

MM Docket No. 99-325  
Broadcast Service.



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### REPLY-COMMENTS REGARDING DOCKET 99-325

Please Accept this motion as Accepted for Timely Filing  
Due to failure of the ECFS systems during February 2000.

Dear FCC Commissioners and staff,

Please pardon the "rough draft" nature of these comments. They are indeed notes that were waiting for full functionality of the ECFS file search system to allow us full access to all the comments provided regarding Docket 99-325.

Thus we did not have access to many of the most important documents and comments in this proceeding.

And so we will be hoping to provide additional comments that might significantly modify this comment-reply when we have full access to all comments.

### REPLY-COMMENTS TO THE National Association of Broadcasters (NAB) Comments: Submitted to 99-325 1/24/00

Introduction (Page 1)

"While the Commission seeks comment on alternative approaches for DAB in the U.S., NAB believes that Commission should focus its attention on IBOC DAB as the appropriate model for DAB. The transition to digital for terrestrial radio broadcasters must be made a priority as they face the advent of satellite digital radio service in the near term."

### VCPP REPLY-COMMENT:]

The unstated but suggested logical statements here are:

1. That the *REASON* that satellite radio will provide damaging competition is that they are *digital*. Is that in fact the reason that people will pay \$10/month plus hundred\$ of dollar\$ for satellite audio receivers ... is solely the fact that it is digital?

Consider that:

Duncan Radio Research shows a 12% "historically large decrease" in listenership starting in 1989. Duncan's research comments do NOT mention a lack of "near CD sound quality", but they DO mention "increase spot loads (ads) ... lack of programming innovation."

Consider: People are going to Internet radio, MP3 sites and bitcasting ... because the Internet provides more variety where the LISTENER EDITS THE PLAYLIST, NOT DUE TO BETTER SOUND!!!

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List ABCDE

Christopher Maxwell of the Virginia Center for the Public Press

1/4

**This indicates that the unstated logical item number one for the NAB's support for Digital Audio Broadcasting is FLAWED.**

2. Unstated logical assertion number two is that one of the reasons that the consumers and citizens of America pay taxes for regulatory bodies such as the FCC is to ensure constantly increasing profits for the regulaTEES ... at consumer and citizen expense if necessary!

BIA associates noted that in 1998, the average profits for large public radio ownership groups such as Clear Channel were running 35%-40%. Considering that the average Grocer earns 1% profit margin and most stockholders would be deliriously happy to achieve a 15%-20% return on investment, an assertion such as this from the NAB is a cruel joke to taxpayers at the least.

**Therefore I conclude that unstated logical assertion number two is ALSO FLAWED.**

**Since it appears that the entire IBOC DAB process is founded upon these two assertions, it is very likely possible that the entire reason for Digital Audio Broadcasting is flawed and should be considered then only with much caution for its potentially deleterious effects on a Democracy that counts a "Free Press" that is free of domination by ANY particular group of people, be that government, religious OR Corporate!**

Page 3

"The NAB also agrees with the Commission's tentative conclusion that each existing broadcaster must be provided the opportunity to transition to digital (Notice at para 32) because --as the Commission has stated-- they are best suited to provide such service to the public."

**VCPP REPLY-COMMENT:]**

**This is like arguing in 1950 that existing AM broadcasters must be assured they can transition to FM analog stereo.**

**Why? Why not instead create a system that encourages NEW ENTRANTS? The 1996 Telecom Act demands that the FCC encourage competition. This is no better way for that then to design a system that encourages new ownership entrants. What the NAB is suggesting is that the taxpayers should pay for increase monopoly, to reinforce the existing business climate.**

**The explosion of**

1. "satellators" and
  2. pirate radio stations as well as
  3. Internet Audio and the
  4. 12% loss of listenership beginning in 1989 (well previous to any satellite or Internet audio) as well as the
  5. 13,000 requests for information on starting a new station in 1997
- ... indicate that actually the present broadcasters are failing spectacularly to serve a more and more diverse population!**

**Evidence actually suggests that the public interest is best served by making it as difficult as possible for existing broadcasters to get free access to digital services thus encouraging a flood new entrants with new abilities to create "programming innovation" as suggested by Duncan Radio Research as the actual antidote for the radio industry's increasing irrelevance.**

Page 6: The NAB Starts talking out "both sides of their mouth"

"IV The Commission has failed to consider the impact of LPFM on IBOC:

On January 20,2000, the Commission adopted a Report and Order that institutes a new Low Power FM service. The Commission took this action without having any substantive evidence in the record regarding how such a service would impact the development and the implementation of IBOC DAB."

**VCPPI REPLY-COMMENT:]**

**We know *exactly* what will happen, the *same* exact thing that happens to the existing 300+ 2nd Adjacent Grandfathered Short Spaced Full Power FM radio stations.**

**If the NAB thought that the 2nd adjacent stations were causing so little trouble in 1996 that they should have greater freedom of movement to relocate their towers etc. ... AND**

**in 1996 the NAB knew that IBOC was the default choice ... AND**

**then the NAB themselves must not have considered 2nd Adjacent stations to be a problem!!**

**And since at this time, LPFM stations will be a tiny fraction of those station's power level and only on the THIRD adjacent frequencies ... NO PROBLEM.**

Page 7: NAB wants to be anointed as the standard setter ...

"The Commission should look to the National Radio Systems Committee (NRSC) as the Standard setting and testing process begins for IBOC DAB."

**VCPPI REPLY-COMMENT:]**

**This is like putting the fox in charge of chicken security.**

Page 8: The NAB demands that the FCC choose a standard to force on people:

**VCPPI REPLY-COMMENT:]**

**This once was true, but now with the advent of FLASH BIOS as a common feature for modems, it would be easy to require that DAB receivers also have FLASH BIOS and so be instantly upgradeable to different, even multiple decoding protocols just as modems commonly are capable of today.**

**Software Radio is the future of standard-setting. It would be ironic if the NAB came begging back to the FCC in ten years because a new innovative CODEC would have allowed all manner of benefits, but they were locked into a hastily assembled and barely functional CODEC.**

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on 1/24/00

"IBOC System Evaluation Guidelines"

Adopted April 17, 1999

revised May 25th, 1999

By the CEMA and NAB National Radio Systems Committee

Consumer Electronics Manufacturers Association and National Assoc. of Broadcasters.

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Page 5 of "Rev 1.1" labeled "IBOC System Evaluation Guidelines"

"... Broadcasters ... are especially concerned about how the hybrid IBOC signals are going to affect the existing analog signals which are the lifeblood of their businesses, particularly since the viability of hybrid IBOC system meeting the DAB Subcommittee's objectives has never been proven."

**"Furthermore, there is also a strong consensus within the broadcasting technical community that of the two IBOC DAB modes, hybrid and all-digital, implementation of the hybrid mode is at least if not more technically challenging than is the all-digital mode. Given these factors, the NRSC has found it appropriate to restrict the main focus of its current evaluation to hybrid IBOC DAB."**

"The emphasis placed on hybrid systems should not be interpreted as a lack of interest in all-digital design into their plans. The broadcast industry will benefit most from a system that can transition seamlessly from hybrid to all-digital."

**VCPD REPLY-COMMENT:]**

**In other words, not even the NAB will say on the official record that DAB in its present form is worth enough dynamite to blow your nose with!**

**Certainly the flat sales records for DAB receivers in Europe cited by the Sony comments indicate that even the (see above *admission of superior technology*) Eureka pure digital system has been received with a huge yawn by the public!**

**Sony themselves seem to agree with Duncan Radio ... CONTENT IS KING.**

**If you have fired all the staff that might create "programming innovation", then the DAB signal is likely to be the same old manure with sparkles added.**

**The public seems to not buy this supposed advantage.**

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END REPLY-COMMENTS ON NAB's COMMENTS

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Sincerely, Chris Maxwell  
Chris Maxwell